CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 88-105

CITY AND COUNTY OF SAN FRANCISCO

REQUIRING THE CITY AND COUNTY OF SAN FRANCISCO TO CEASE AND DESIST DISCHARGING WASTE FROM ITS SOUTHEAST WATER POLLUTION CONTROL PLANT AND FROM ITS SOUTHEAST AND RICHMOND-SUNSET WET WEATHER DIVERSION STRUCTURES CONTRARY TO DISCHARGE PROHIBITIONS IN ORDER NOS. 84-27, 84-28, AND 87-120 (NPDES PERMITS)

The California Regional Water Quality Control Board, San Francisco Bay Region (Board) finds that:

1. The Board prescribed requirements for several waste discharges by the City and County of San Francisco (City) in the following orders:

Order	Date Adopted	NPDES No.	Discharge
84-27	June 20, 1984	CA0037664	Southeast Water Pollution Control Plant (WPCP)
84-28	June 20, 1984	CA0038610	Southeast and North Point Wet Weather Diversion Structures (WWDS)
84-45	July 18, 1984	CA0037681	Richmond-Sunset WPCP
87-120	Sept 16, 1987	CA0038415	Richmond-Sunset WWDS

Order 87-120 supercedes Order 81-19, adopted on April 15, 1981, with respect to the Richmond-Sunset Wet Weather Diversion Structures.

2. The Board adopted the following Orders requiring the City to cease and desist discharging waste or threatening to discharge waste contrary to waste discharge requirements:

Order	Date Adopted	Orders and Discharges Affected	
84-29	June 20, 1984	84-27	Southeast WPCP
		84-28	Southeast and North Point WWDS
84-46	July 18, 1984	84-45	Richmond-Sunset WPCP
		81-19	Richmond-Sunset WPCP

3. The City requested a waiver from secondary treatment for its Richmond-Sunset WPCP pursuant to Section 301(h) of the Clean Water Act in September 1979. The U.S. Environmental Protection Agency (EPA) gave its tentative approval on September 30, 1986, but has not yet approved a final permit. The draft 301(h) permit would apply effluent limits from the State Board's Water Quality Control Plan for Ocean Waters of California (Tables A and B). The City completed its ocean outfall in 1986 and began discharging Richmond-Sunset WPCP effluent to federal waters via the new outfall in September, 1986. On December 18, 1986, EPA ruled that the Board's waste discharge requirements for this discharge (Order 84-45) did not apply to the relocated discharge, and issued Administrative Order No. IX-FY87-7.

The Administrative Order set interim permit requirements pending the 301(h) final action.

4. Section 13301 of the Water Code authorizes the Board to issue a Cease and Desist Order when it finds that a waste discharge is occurring or threatening to take place in violation of requirements or prohibitions prescribed by the Regional Board or State Board. The Cease and Desist Order should specify the schedule for compliance and any necessary preventative actions.

5. The City is violating or threatening to violate the following discharge prohibitions in the following orders:

Order	Discharge	Permit Requirement
84-27	Southeast WPCP	Prohibition A.3 (10:1 initial dilution)
84-28	Southeast and North Point WWDS	Prohibition A.1 (overflow criteria)
87-120	Richmond-Sunset WWDS	Prohibition A.2 (overflow criteria)

6. The discharge prohibitions being violated by the City are based on state water quality standards that are more stringent than technology-based effluent limits for these discharges. The Clean Water Act establishes a deadline of July 1, 1977, for compliance with more stringent requirements based on state water quality standards, regardless of when the standards were established. Because this deadline has passed, a compliance schedule must be part of an enforcement order instead of the respective NPDES permit.

7. The City has made good progress in completing necessary wastewater projects identified in the Board's 1984 cease and desist orders. The following projects were completed during this four-year period:

Order	Project	Total Cost
84-29	Channel Outfall Consolidation	$49 million
	Southeast Plant and Sewer Modifications	$207 million
	Hunters Point Facilities	$13 million
84-46	Westside Pump Station	$16 million
	Westside Transport	$56 million
	Southwest Ocean Outfall	$191 million
	Westside Activation	$10 million

A total of $342 million was spent on the above projects during the period June 1984 to present. Of this, the City's local share was about $78 million. Other projects are currently under construction: Southeast WPCP effluent pumping, Griffith pump station and force main, Yosemite and Fitch outfall consolidation, and interim improvements at Richmond-Sunset WPCP. The City raised its average monthly sewer service charge by 25% (from $5.77 to 7.97 per average residence) during this period to help finance these projects.

8. The City plans to complete wastewater projects under construction and build new projects in order to fully comply with the requirements and prohibitions cited above. The City will replace the Richmond-Sunset WPCP

with a new Westside treatment facility in order to meet Ocean Plan requirements. The City will complete several wet-weather facilities to meet the overflow criteria in its two wet-weather permits. For the Southeast WWDS these include: Griffith pump station and force main, Yosemite and Fitch outfall consolidation, Sunnydale outfall consolidation, Mariposa transport, and Islais Creek transport. For the Richmond-Sunset WWDS these include: Richmond transport and Lake Merced transport. The City will complete further studies to determine how to address the initial dilution requirements in its Southeast WPCP permit during wet weather. Options include: building a new Bay outfall, building a cross-town transport facility, or requesting a Basin Plan exception to the initial dilution requirement during wet weather. (The cross-town transport would allow Southeast WPCP effluent to be discharged via the Southwest ocean outfall.) The City will also provide additional wet-weather treatment or storage capacity to accommodate peak wet weather flows which will occur after the Islais Creek transport is put into service.

9. Curtailment of the federal Clean Water Grants program and its imminent conversion to a revolving loan program will result in a larger local share. The City will pay for the six new projects using a combination of state and federal grants, state and federal loans, and local debt. The City's Clean Water Enterprise Five-Year Revenue Plan, dated April 27, 1988, estimates that these projects will cost a total of $365 million. It assumes that state/federal grants and loans will cover $174 million, leaving a local share of $191 million. The City will have to authorize about $100 million of new debt, since available City funds and unsold City bonds will provide only about $106 million. The City proposes a 10% increase in the sewer service charge over each of the next five years in order to finance the additional debt.

10. This action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency CEQA Guidelines.

11. The City and interested persons have been notified of the Board's intent to revise Cease and Desist Order Nos 84-29 and 84-46, and have been provided an opportunity to submit written comments and appear at the public hearing. At a public meeting on June 15, 1988, the Board heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT:

A. The City and County of San Francisco (City) shall cease and desist from discharging waste or threatening to discharge waste contrary to the discharge prohibitions cited in finding 5 above in accordance with the time schedules contained in this Order.

B. The City shall achieve compliance with the discharge prohibitions of Order 84-27 (Southeast WPCP) with respect to the prohibition of discharges with less than 10:1 initial dilution (A.3) according to the following time

schedule:

Task	Completion Date
1. Expand effluent pump station (95% compliance during dry weather)	January 1, 1989
2. Install third pump at effluent pump station (full compliance during dry weather)	March 1, 1989
3. Select alternative to address prohibition during wet weather (i.e. new Bay outfall, cross-town facility, or exception request)	May 1, 1990
4. Submit schedule for design and construction of preferred alternative	May 1, 1990

C. The City shall achieve compliance with the discharge prohibitions of Order 84-28 (Southeast and North Point WWDS) with respect to overflow criteria (A.1) according to the following time schedule:

1. Griffith pump station and force main

Task	Completion Date
a. Complete construction	June 1, 1989

2. Yosemite and Fitch outfall consolidation

Task	Completion Date
a. Complete construction	May 1, 1989

3. Sunnydale outfall consolidation

Task	Completion Date
a. Start construction	August 1, 1989
b. Complete construction	November 1, 1991
c. Full compliance with overflow requirements for diversion structures 36-43 (1 per year)	November 1, 1991

4. Mariposa transport

Task	Completion Date
a. Complete environmental review	August 1, 1988
b. Complete design	May 1, 1989
c. Start construction	September 1, 1990
d. Complete construction	January 1, 1993

5. Islais Creek transport

Task		Completion Date
a.	Complete environmental review	July 1, 1989
b.	Complete design	May 1, 1991
c.	Start construction	May 1, 1992
d.	Complete construction of transport	June 1, 1994
e.	Complete construction of pumping facilities for transport dewatering	January 1, 1996
f.	Full compliance with overflow requirements for diversion structures 18-35 (10 per year)	January 1, 1996

D. The City shall achieve compliance with the discharge prohibitions of Order 87-120 (Richmond-Sunset WWDS) with respect to overflow criteria (A.2) according to the following time schedule:

1. Lake Merced transport

Task		Completion Date
a.	Complete environmental review	June 1, 1989
b.	Complete design	October 1, 1990
c.	Start construction	April 1, 1991
d.	Complete construction	November 1, 1992

2. Richmond transport

Task		Completion Date
a.	Complete environmental review	December 1, 1989
b.	Complete design	April 1, 1991
c.	Start construction	August 1, 1992
d.	Complete construction	September 1, 1994
e.	Full compliance with overflow requirements for diversion structures 1-8 (8 per year)	September 1, 1994

E. The compliance schedules in this Order incorporate several assumptions: no lawsuits against the City for its CEQA compliance process, reasonable availability of Clean Water grants and loans, no significant interruptions in federal/state financing due to the transition to a revolving loan program, and no significant unforseen site conditions that affect construction schedules. The Board will consider revising the schedules in this Order if these assumptions do not apply or if other conditions substantially beyond the City's control delay task completion.

F. The above compliance schedules shall apply to future Board Orders rescinding Order Nos. 84-27, 84-28, 84-45, and 87-120 (NPDES permit reissuance) unless the Board specifies otherwise at the time of permit reissuance.

G. The City shall submit a regular status report to the Board. The report will be due on the 15th day of each month. The report should describe progress toward compliance with schedules in this Order. If non-compliance or threatened non-compliance is being reported, the City should

provide reasons for non-compliance and an estimated compliance date. Every third report (January 15, April 15, July 15, and October 15) should include a comparison of estimated and scheduled completion dates for each of the dates in this Order.

H. Orders 84-29 and 84-46 are hereby rescinded.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 15, 1988.

ROGER B. JAMES
Executive Officer